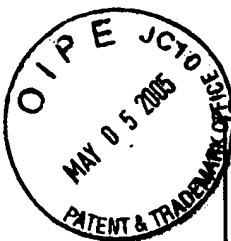


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PTO/SB/21 (09-04)

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Application Number

10/664,513

Filing Date

September 16, 2003

First Named Inventor

Marc K. HELLERSTEIN

Art Unit

1645

Examiner Name

Not Yet Assigned

Attorney Docket Number

416272003700

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement,
(Supplemental, 3 pages)☐ Certified Copy of Priority
Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
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to TC☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please
Identify below):

1. PTO/SB/08a/b (8 pages)
2. 97 Cited References
3. Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MORRISON & FOERSTER LLP (Customer No. 20872)

Signature

Michael R. Ward

Printed name

Michael R. Ward

Date

May 5, 2005

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38,651

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(Laura Tsang)

Patent
Docket No. 416272003700
B01-074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marc K. HELLERSTEIN

Serial No.: 10/664,513

Filing Date: September 16, 2003

For: BIOCHEMICAL METHODS FOR
MEASURING METABOLIC FITNESS
OF TISSUES OR WHOLE ORGANISMS

Examiner: Not Yet Assigned

Group Art Unit: 1645

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
- ☐ A fee is required. A check in the amount of __ is enclosed.
- ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)


Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 416272003700.

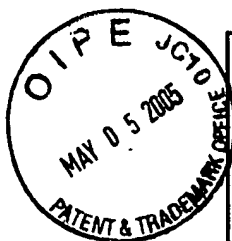
Dated: May **5**, 2005

Respectfully submitted,

By 

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/664,513
				Filing Date	September 16, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1645
				Examiner Name	Not Yet Assigned
Sheet	1	of	8	Attorney Docket Number	416272003700

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
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	2.	US-5,439,803	08-08-1995	Ross et al.	
	3.	US-6,653,076	11-25-2003	Franza, Jr. et al.	
	4.	US-2003/0148533	08-07-2003	Malloy et al.	
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	9.	US-2004/0115131-A1	06-17-2004	Hellerstein	
	10.	US-2004/0152994	08-05-2004	Meier-Augenstein	
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	19.	US-10/997,323	FD 11-23-2004	Hellerstein	
	20.	US-11/064,197	FD 02-22-2005	Hellerstein	
	21.	US-11/078,083	FD 03-11-2005	Hellerstein	
	22.	US-11/094,387	FD 03-29-2005	Hellerstein	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	23.	WO-90/11371	10-04-1990	Anticancer, Inc.		
	24.	WO-93/25705	12-23-1993	Barranco		
	25.	WO-03/061479-A1	07/31/2003	Hellerstein		
	26.	WO-03/068919-A2	08/21/2003	Hellerstein		
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	30.	WO-04/021863-A2	03/18/2004	Hellerstein		
	31.	WO-04/024941-A2	03/25/2004	Hellerstein		
	32.	WO-04/025270-A2	03/25/2004	Hellerstein		

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	34.	WO-05/009597-A2	02/03/2005	Hellerstein		
	35.	WO-05/015155-A2	02/17/2005	Hellerstein		
	36.	WO-05/033652-A2	04/14/2005	Hellerstein		

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NON PATENT LITERATURE DOCUMENTS				
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	37.	International Search Report mailed on January 19, 2005, for PCT application no. PCT/US03/29361 filed on September 15, 2003, 4 pages		
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Sheet	3	of	8	Attorney Docket Number	416272003700

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				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1645
				Examiner Name	Not Yet Assigned
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Examiner Signature		Date Considered	
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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